

REMARKS

This paper responds to the Office Action dated February 10, 2012. Claims 3-6, 17-23 and 26 are currently pending. Claim 26 has been amended. In the Office Action, the Examiner has rejected all pending claims under 35 USC 103(a) as follows: claims 3-6, 17 and 26 stand rejected as obvious over US 2003/0064758 ("Mizuta") in view of US 2002/0006815 ("Finke-Anlauff") in view of US 2001/0016508 ("Kido"); claims 18, 19, 21 and 23 stand rejected as obvious over Mizuta in view of Finke-Anlauff in view of Kido as applied to claim 26; and claims 20 and 22 stand rejected as obvious over Mizuta in view of Finke-Anlauff in view of Kido as applied to claim 26 and further in view of USP 6,839,101 ("Shima").

Although additional amendments to independent claim 26 are unnecessary to overcome the cited art, Applicant has made the following clarifying amendment to the state detection section of claim 26:

a state detecting section for detecting the opened/closed state and wherein the state detecting section detects a moving state, in which the first and second housing are moving between the closed state and the opened state

Unlike the prior art, independent claim 26 recites a "a state detecting section for detecting the opened/closed state and wherein the state detecting section detects a moving state, in which the first and second housing are moving between the closed state and the opened state." Applicant's amendment does not introduce any new matter. For example, Applicant's published application explains:

"Further, at the step S601, when it is determined that the portable terminal unit 100 is in other states than the closed state, that is, the **opened state or the turning state, the lock control section 4a shuts off the electric connection of the auxiliary operation section 103 thereby to render the operation of the auxiliary**

operation section 3 inoperative (S604)." US 2004/0235540 at [0052].

By way of this amendment, Applicant has clarified that the state detecting section detects an opened state, closed state and moving state. As shown in the excerpt above, the specification refers to the moving state by way of example as the turning state.

As already explained, Applicant has amended independent claim 26 to further clarify the multiple states detected by the state detection section. Each of the cited references may detect the opened state and closed state but not a moving state. In the amended claimed invention, the portable terminal unit detects a moving state, in which the first and second housing are moving between the closed state and the opened. As recited above, when the rotation is detected (S503, S603), as in the turning state, the auxiliary operation section is rendered inoperative in the claimed invention.

None of the prior art relied on by the Examiner in rejecting the claims discloses or suggests, alone or in combination, a state detecting section that detects a moving state in which the first housing and second housing are moving between the opened and closed state.

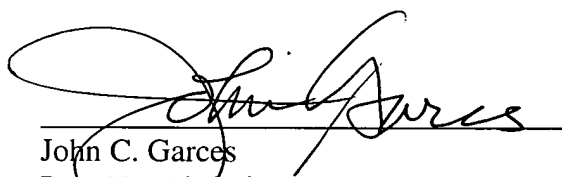
Accordingly, the combination of Mizuta, Finke-Anlauff and Kido does not disclose all the elements of claim 26 and cannot render it obvious. Claim 26 and its dependent claims are thus allowable over the cited prior art.

Moreover, the Examiner relies on hindsight in improperly combining the cited prior art to find the claims obvious. Specifically, there is nothing in Mizuta to suggest the need to disable the auxiliary operation section 207. It is very possible that the main section and auxiliary operation section in Mizuta are both operational in the open state, as shown, for example in Fig. 9C of Mizuta. Furthermore, there is nothing in Mizuta that would suggest the need to disable the auxiliary keys 207 while moving from closed to the open state as claimed.

For the reasons set forth above, Applicant respectfully submits that this patent application, including all pending claims, is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested. The Examiner is urged to telephone Applicant's undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely.

Kindly charge any additional fee, including extension fees, or credit any surplus, to Deposit Account No. 50-0675, Order No. 848075-0059.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John C. Garces", is written over a horizontal line.

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Date: June 11, 2012